

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

EX PARTE APPLICATION OF EURASIAN
NATURAL RESOURCES CORPORATION
LIMITED PURSUANT TO 28 U.S.C. § 1782 FOR
LEAVE TO TAKE DISCOVERY FOR USE IN
FOREIGN PROCEEDINGS,

Applicant.

Case No. 20 mc. 312

**ORDER GRANTING *EX PARTE* APPLICATION PURSUANT TO 28
U.S.C. § 1782 FOR LEAVE TO TAKE DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS**

THIS CAUSE came before the Court upon the Application of Eurasian Natural Resources Corporation Limited (“ENRC”) Pursuant to 28 U.S.C. § 1782 for Leave to Take Discovery for Use in Foreign Proceedings (the “Application”). The Court, having considered the Application, the supporting materials, and otherwise being fully advised in the premises, finds as follows:

A. ENRC has met the requirements under 28 U.S.C. § 1782 for granting the Application.

B. For purposes of the instant Application, Respondent resides or is found in the Southern District of New York.

C. The discovery sought through this Application is for use in reasonably contemplated and pending foreign proceedings.

D. ENRC, in its capacity as a party-litigant, is an interested person within the meaning of the statute.

E. The discretionary factors described by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004), weigh in favor of granting the Application.

F. More particularly: (1) Respondent does not appear to be a party or participant in the foreign proceedings; (2) there is no indication that the foreign court would not be receptive to U.S. federal-court judicial assistance as requested in the Application; (3) the Application does not appear to conceal an attempt to circumvent proof-gathering restrictions; and (4) the Application appears to seek discovery that is not unduly intrusive or burdensome, as the evidentiary requests appear to be narrowly tailored both substantively and temporally.

Accordingly, it is hereby **ORDERED** as follows:

1. The Application is **GRANTED**.
2. Any discovery taken pursuant to this Order will be governed by the Federal Rules of Civil Procedure and the Local Civil Rules of this Court.
3. ENRC's request for leave to conduct discovery, including leave to serve a subpoena substantially similar in form to Exhibit A to the Declaration of Duane L. Loft is **GRANTED**.
4. Respondent is directed to take all steps reasonably necessary to retain all documents in its possession or control that are relevant to this Application or the foreign proceedings until such time as ENRC communicates to them that the preservation is no longer necessary or until further order of this Court.
5. Nothing in this Order should be construed to prevent or otherwise foreclose ENRC from seeking modification of this Order or leave of Court to serve any additional subpoena on a person or entity.

IT IS SO ORDERED this 9th day of September, 2020.



EDGARDO RAMOS, U.S.D.J.